

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANDREW CLARKE and TAPAS SARKAR, :  
individually and on behalf of all other similarly :  
situated persons, :  
: Plaintiffs, :  
: v. : 08 CV 2400 (CM) (DF)  
: J.P. MORGAN CHASE & CO. :  
: Defendant. :  
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**JOINT CASE MANAGEMENT PLAN**

After consultation with counsel for and by all parties, this Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. The case is to be tried by a jury.
2. The parties will complete their Rule 26(a) exchanges by September 15, 2008.
3. Defendant requests that the deadline to join additional parties be set to September 15, 2008. Plaintiffs reserve the right to move to amend the Complaint after the expiration of the FLSA collective action opt-in period to join additional parties.
4. Defendant requests that the deadline to amend the Complaint be set to September 15, 2008. Plaintiffs reserve the right to move to amend the Complaint to add new Plaintiffs and state law claims after the expiration of the FLSA collective action period.
5. The parties have already served initial document requests and interrogatories. Plaintiffs' responses to Defendant's requests will be due on September 29, 2008. Defendant's responses to Plaintiffs' requests will be due on October 13, 2008.
6. The depositions of the Named Plaintiffs will be taken first, in accordance with Judge McMahon's Individual Rules.
7. Plaintiffs' motion to send notice will be filed by October 24, 2008; Defendant's opposition will be filed by November 27, 2008, and Plaintiffs' reply will be filed by December 15, 2008.

8. Plaintiffs' motion for class certification will be filed by April 15, 2009, Defendant's opposition by May 15, 2009, and Plaintiffs' reply will be filed by May 29, 2009.
9. The parties agree to the bifurcation of the liability and damages phases of the case. Liability discovery will be completed no later than nine month 9 months following the disposition of Plaintiffs' motion for class certification. The damages discovery deadline will be set after a liability determination (if any).
10. For the liability phase, Plaintiffs' expert report deadline will be three months after the class certification decision; Defendant's expert report will be due 30 days later. Expert discovery will be completed 30 days after Defendant's expert report. The damages phase experts discovery deadline will be set after a liability determination (if any).
11. The date for the joint pre-trial report will be set after rulings on class certification and dispositive motions (if any).
12. Judge McMahon's Rules governing electronic discovery apply automatically to this case. The text of the order will be found at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

**Dated:**  
**New York, New York**

**SO ORDERED:**

Dated: \_\_\_\_\_

Debra Freeman  
United States Magistrate Judge